



City of Tigard

Tigard City Council Meeting Minutes April 21, 2015

1. WORKSHOP MEETING

- A. Mayor Cook called the City Council meeting to order at 6:30 p.m.
- B. Deputy City Recorder Alley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	
Council President Snider	✓	
Councilor Goodhouse	✓	
Councilor Henderson	✓	
Councilor Woodard	✓	

- C. Mayor Cook led the Pledge of Allegiance.
- D. Mayor Cook asked Council and Staff for any Non-Agenda Items to be heard as Agenda Item 7.
There were no reports noted.

2. JOINT MEETING WITH THE LIBRARY BOARD

Library Board Chair Hancock introduced Library Board members Linda Monahan, Katie Harris, and John Storhm and stated the presentation is going to focus on showcasing the community room and spotlighting programs.

Mr. Storhm presented some of the library's spotlights showing technology as a center feature for patrons with the library's full catalog available online, the use of the library's Wi-Fi network, technology classes ranging from the use of a computer to the use of specific Microsoft products and the e-book checkout. Other spotlights are the community room's access for events associated with the library and continued growth in book checkouts. Mr. Storhm stated the library did a community survey with 2,700 responses. The use of technology at the library was favored highly and there were favorable comments on the e-books, Wi-Fi and technology classes.

Ms. Harris commented the library is a hub of the community which is evident with 31,370 visits last month alone. Book circulation continues to rise and more people are attending the wide variety of community and adult programs offered in the community room. Ms. Harris requested the council consider reinstating the library's full hours on Thursday costing the city \$230,000-\$240,000 to reinstate.

Mayor Cook said the reinstatement of library hours will go through the budget committee and budget process. He stated in order to get funding patrons may have to be willing to support a local option levy.

Councilor Goodhouse expressed concern with how the community will view reinstating Thursdays at the library, but not reinstating Fridays at city hall. He suggested considering opening city hall on Fridays again in order to serve those customers as well.

Library Director Barnes thanked the board and council for their patience as she knows everyone is working for the common good.

Mayor Cook thanked the board for their presentation.

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3. LEGISLATIVE PUBLIC HEARING: CONTINUANCE OF THE APRIL 14, 2015 PUBLIC HEARING ON DEVELOPMENT CODE AMENDMENTS REGARDING MARIJUANA FACILITIES

Associate Planner Floyd introduced this agenda item, accompanied by a PowerPoint, outlining the changes since the April 14 public hearing. Mr. Floyd said the focus for discussion tonight is the minimum distance between retail facilities and window transparency requirements. The Oregon Health Authority will require window screenings, after hours crime deterrent, patient preference and protection of anonymity. This research would support the city applying transparency restrictions.

Mayor Cook clarified the window transparency requirement would apply to medicinal and retail, but not growers since the law does not allow grow facilities to sell also. Mr. Floyd agreed and added people cannot grow and dispense on the same site, so the transparency only applies to dispensaries at this time.

Councilor Woodard stated he would like to have additional policy discussions about recreational dispensaries before sales begin on January 1, 2016. He expressed concern for the buffer limiting the ability for recreational dispensaries to open if medical dispensaries are allowed to be open six months prior, and the buffer from their placements restricting recreational dispensaries. Mr. Floyd said it is his understanding a number of the medical dispensaries hope to convert to recreational sales. City Attorney Rihala responded the council did not need to be concerned because there has been no indication or guidance of what the state policy is going to be.

Councilor Goodhouse asked for clarification that the medical and recreational is being limited to 99W, but grow facilities can be anywhere. Mr. Floyd said grow facilities are classified general industrial use and restricted to industrial zones. Councilor Goodhouse proposed allowing recreational facilities in industrial as well to take it off 99W, which is the face of Tigard. The remainder of the council disagreed with Councilor Goodhouse and thought it would be prudent to follow the more restrictive path as discussed on April 14 and be cautious of having facilities spread throughout the city for public safety purposes.

Discussion commenced on the reasonable buffer distance and litigation probability if the city increases the buffer from the state's 1,000 limit. Mr. Floyd stated Washington County approved a 1,500 foot buffer from a light rail platform and 2,000 foot buffer between dispensaries. City Attorney Rihala said as seen from other examples, 1,500 is not unreasonable and nothing in the ordinance gives reason for pause as unreasonable, but there has not been much guidance from the legislature so it is everyone's best guess.

Consensus was met by the council to have a 2,000 foot buffer with potential future discussions after applicability.

Mr. Floyd presented two language options for window transparency, visibility and surveillance requirements:

1. Windows visible from a public street or parking lot must be primarily transparent (at least 75% open to perpendicular view). This standard does not apply to restricted access areas where marijuana product is stored, sold, or otherwise present.
2. Marijuana or Marijuana product shall not be visible from the exterior of the building or structure.

Consensus by council was to move forward with the second option.

Councilor Goodhouse motioned to approve Ordinance No. 15-07, amending the buffer to 2,000 feet and adding letter J. to 18.735.040 to state “Marijuana or Marijuana product shall not be visible from the exterior of the building or structure.”, seconded by Councilor Henderson. Motion passed by unanimous vote of council members present.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Mayor Cook	✓		
Councilor Goodhouse	✓		
Councilor Henderson	✓		
Council President Snider	✓		
Councilor Woodard	✓		

4. BRIEFING ON AN AMENDMENT TO AN IGA REGARDING FUNDING FOR THE PACIFIC HIGHWAY/GAARDE STREET/MCDONALD STREET INTERSECTION IMPROVEMENT PROJECT

Streets and Transportation Senior Project Engineer McCarthy presented the staff report stating last fall when bids opened the construction costs were higher than expected. On December 9, 2014, council approved support of the extra funding and requested the contract be renegotiated to add a clause for the state and county to share in future overages. ODOT did not agree to changing the contract, but did agree that if the project is under budget the funds would come back to the city up to the \$1.1 million.

City Manager Wine said the briefing tonight is to make the council aware of the negotiations and new provisions and seek council’s approval of placing the IGA on a future business meeting consent agenda. Consensus by council was to have it on a consent agenda.

5. BRIEFING ON A JOINT USE AGREEMENT WITH THE TIGARD-TUALATIN SCHOOL DISTRICT

Public Works Division Manager Martin and Oregon Human Development Corporation (OHDC) Representative Mia Bartlett presented this agenda item highlighting the key points of the IGA to be the school district providing property for use of neighborhood parks outside of school hours and the city to provide site improvements for soccer and baseball fields at Metzger Elementary, purchase and installation of park amenities on school property and the development of community gardens.

Ms. Bartlett said OHDC currently operates three garden sites and provides the largest youth programs in the area. The community gardens are supported by leveraging 30 full time volunteers during the summer and 10-15 students during the school year. Ms. Bartlett said she was excited for the opportunity to partner with the school district and the city.

Mr. Martin added there is still negotiation to be done on Section 1.3.3 due to language ambiguity, but staff was comfortable with the rest of the agreement language.

City Manager Wine acknowledged the hard work of Mr. Martin and Mr. Rager for the creation of this partnership and the culmination of many hours. This partnership has the potential of bearing a lot of fruit. Ms. Wine stated the final IGA will come before the council at a future business meeting.

Ms. Bartlett thanked the city for the foresight on the project which provides great access to the community and much needed expansion in parks and community gardens.

6. DISCUSSION ON POSSIBLE BALLOT MEASURE ITEMS

Assistant City Manager Newton presented this item directing council to the matrix provided in the staff report and stated staff is looking for direction on if and when the council would like to see the topics listed go on a future election.

Charter Revisions:

Mayor Cook reminded the council this is on the May 12 agenda.

Council President Snider asked if it would be possible to have the measure on the November 2015 ballot. Ms. Newton answered she thought it would be possible to meet the August 14 filing deadline with the city recorder, but the council may have to limit the changes to a couple items. Further consideration can be made at the May 12 council meeting.

Funding For General Fund City Services:

Council President Snider stated he would like the council to consider alternative funding sources that may not have to go to a vote.

Mayor Cook said to ensure a better voter turnout, which may be needed for a local option levy, this should go in May or November 2016. He said he leaned toward May 2016 because there could still be good voter turnout with the primaries and the city might have to compete for monies in November. May also allows for the opportunity to send it back to the voters in November if it fails in May. Another consideration is the time it takes to form a Political Action Committee (PAC) which takes about a year to form. It is the PAC that campaigns for the measure.

Councilor Goodhouse asked the council to consider extending the city hall hours in addition to the library hours. Council President Snider said the city hall hours of operation were not reduced; rather, the city moved from an eight hour work day to ten hours allowing city hall and the permit center to have extended hours on Monday through Thursday. Ms. Wine clarified that public works and police operate twenty four hours a day. She added that in the community survey conducted in 2014, there was not a strong sentiment that customers are missing the Friday service.

Councilor Goodhouse expressed concern that the city only obtained the opinion of Tigard citizens and did not get a representation of the business in the metropolitan area that conduct business in Tigard and utilize the permit center. Ms. Newton said we do have other opportunities for customers to conduct their business outside of open hours such as the inspection request line and online plan submission. Many of city hall services are scheduled during open hours such as court, utility billing services and passports. The city has gotten positive response for notary services being provided during late hours after customers get off work.

Councilor Henderson noted the county has two ballot measures on the ballot this November for public services and the library and reminded the council to take that into consideration when deciding when to put city measures on the ballot.

Council President Snider said he did not want any measures asking for money to be on the November 2015 ballot. He stated he did not think an operating levy is the right approach as a funding source for the general fund services and should be reserved for funding city facilities.

Councilor Woodard said he agreed and thought the parks utility fee would cover the funding need for general fund services.

Consensus of council was to pursue a utility fee instead of an operating levy.

Funding For City Facilities:

Councilor Woodard testified his strong desire for the city to put a measure before the voters in November 2015 for a YMCA in the community. He felt strongly there is a lot of momentum from the grass root efforts right now and the council would remiss if they did not capitalize on that. He felt confident the voters would approve a \$28 million bond, only increasing taxes by \$10 a month, which is significantly less than Beaverton's recreation district costing them \$300 a month.

Council President Snider said he also supports an obligation bond on the November 2015 ballot for the recreation center concept in order to "seize the moment" and look at a way to build a facility with a private operator. The public works and police facilities could be tackled in May 2016 or even further out. He said he would support opening our library seven days a week before opening a branch library.

Councilor Goodhouse also supported an obligation bond in November 2015 for the recreation center and requested more detail on costs of the construction and operation of a recreation center. City Manager Wine said on May 12 the council will receive the survey results from the YMCA and then further steps and options will be explored to making a decision. She was concerned the details may not be prepared in time to create a proposal for November.

Consensus by council was to pursue a ballot measure to be placed on the November 2015 ballot for a recreation center and hold off on the public works and police facilities until a facilities analysis is completed. Ms. Wine said staff will have an answer in the next year for the needs of expanding police and public works facilities.

City Gas Tax Increase:

Mayor Cook asked how much a two cent increase in the gas tax would create in funding. Finance and Information Services Director LaFrance answered each penny would provide \$225,000 give or take. He added the current three cents tax is obligated in paying on the Main Street improvements bond through 2020 which is expensing a little more than three cents per gallon.

Councilor Goodhouse said the increase in the gas tax is one way to fund sidewalks but other sources of funding need to be explored. The community is in support of sidewalk projects and would like to see this project funded.

Council agreed to go to a vote to increase the city gas tax to five cents and requested staff look into other funding sources to fill the funding need gap. Consensus was to look at placing it on a ballot in 2016.

High Capacity Transit:

City Manager Wine said in order for high capacity transit to come to Tigard the city would have to amend the comprehensive plan and a comprehensive plan amendment for high capacity transit requires a vote of the electorate.

Mayor Cook suggested doing an advisory vote in November 2016 asking if the community would support moving forward with planning for high capacity transit. In order for high capacity transit to move forward it may take a full region vote which will not be earlier than November 2018.

Council agreed this will need to wait until more information can be received and constituted additional discussion.

Urban Renewal District:

Councilor Goodhouse stated he was in favor of expanding the downtown urban renewal area and adding one for 99W. He said the biggest thing he hears is 99W is the face of Tigard and the council needs to do something to improve 99W.

Mayor Cook said his preference would be for expanding the downtown boundaries and then the Tigard Triangle. Council President Snider suggested expanding the downtown boundaries up to ten percent which would not require a vote of the people.

Councilor Woodard said he too had heard from businesses on 99W asking for benefits from an urban renewal district and thought a district from Gaarde Street to north of Highway 217 would be successful.

Consensus of council was to continue discussion on expanding or adding urban renewal districts.

Willamette River:

Council President Snider asked if the city had received a legal opinion on whether the requirement to get a vote applies to the Tualatin Valley Water District. Ms. Wine said they had not. The city received a legal opinion identifying the operative issue on the charter vote about the use of Willamette water. It does not require a vote for the planning, building or agreements.

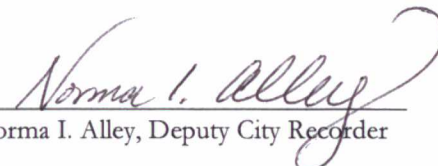
Mayor said continued discussion can occur at a later meeting because this does not look to be on the May or November 2016 election.

7. NON AGENDA ITEMS – None.
8. EXECUTIVE SESSION – Not held.
9. ADJOURNMENT

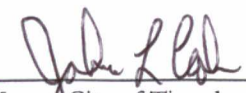
Motion by Councilor Goodhouse, seconded by Council President Snider to adjourn the meeting at 9:14 p.m.

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Snider	Yes
Councilor Goodhouse	Yes
Councilor Henderson	Yes
Councilor Woodard	Yes


Norma I. Alley, Deputy City Recorder

Attest:



Mayor, City of Tigard
Date: May 26, 2015

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